IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7692 of 1999

For Approval and Signature:

HON'BLE MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

EP BHAGAT HON ADMINISTRATOR

Versus

VIMAL B RAJWADI

Appearance:

1. Special Civil Application No. 7692 of 1999

MRS KETTY A MEHTA for Petitioner No. 1

MS PRITI PANDYA for Respondent No. 1

RULE SERVED for Respondent No. 2

Mr. M.R. Mengde, AGP for Respondent No. 3-5

CORAM : HON'BLE MR.JUSTICE H.K.RATHOD

Date of decision: 10/12/2003

ORAL JUDGEMENT

Heard MRS KETTY A MEHTA, learned advocate for Petitioner; MS PRITI PANDYA for Respondent No. 1. Notice of RULE SERVED for Respondent No. 2 and Mr. M.R. Mengde, AGP for Respondent No. 3-5. In this petition, the petitioner has challenged the power and jurisdiction of the Collector to appoint inquiry officer to decide whether the suspension order issued by the Committee is legal and valid or not and, thereafter, inquiry officer who has examined the issue has held that the suspension is not legal and valid and ultimately resulted into reinstatement of the first respondent. Now, learned advocate Ms. Mehta submits that the trustees are in management, having their legal position in the trust and they are working in the trust. Therefore, in view of these facts, it will be open for the petitioner, if they thought fit, to take appropriate action or proceeding if they are desirous, against the respondent no.1 in accordance with law. With these observations and directions, this petition is disposed of as no further orders are required to be made on merits. Rule is discharged. Interim relief, if any, shall stand vacated. There shall be no order as to costs.

Dt.10.12.2003. (H.K. Rathod,J.)

Vyas